IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

THURSDAY, THE SEVENTH DAY OF JULY
TWO THOUSAND AND FIVE

P R E S E N T

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO.14645 of 2005

Between:

1 Gadi Raju Pullam Raju, s/o Venkat Raju,
r/o Pippara Village, Ganapavaram Mandal, West Godavari District.
2 G.Subba Raju, s/o G.Venkat Raju,
r/o Pippara Village, Ganapavaram Mandal, West Godavari District.
3 G.Ralma Krishnam Raju, s/o G.Satti Raju,
r/o Pippara Village, Ganapavaram Mandal, West Godavari District.
4 G.Satyanarayana Raju, s/o G.Satti Raju,
r/o Pippara Village, Ganapavaram Mandal, West Godavari District.
5 Smt.Bhoopathi Raju Sandhya Bhuneshwari, w/o B.V.Narsimha Raju,
r/o Pippara Village, Ganapavaram Mandal, West Godavari District.
6 Smt.Bhoopathi Raju Geeta, w/o B.Koteswara Raju,
r/o Pippara Village, Ganapavaram Mandal, West Godavari District.

..... PETITIONERS

A N D

1 Mandal Revenue Officer, Ganapavaram Mandal, West Godavari

District.
2 The Grampanchayat rep., by its Secretary, Pippara Village,

Ganapavaram Mandal,West Godavari District.
3 Additional Divisional Engineer, A.P.Transco, Ganapavaram Mandal,

West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to

issue writ one in the nature of mandamus directing the respondents not to erect high voltage electric transformer in the lands of the petitioners more particularly on the approach road of the petitioners and after declaring the action on the part of the respondents as arbitrary, illegal and unjust.

Counsel for the Petitioner: MR.M.V.KRISHNA MOHAN

Counsel for the Respondents: GP FOR REVENUE

Counsel for the Respondent No.3: MR.S.SREERAMULU REDDY, Standing Counsel

The Court at the stage of admission made the following: (order follows 2nd page)

O R D E R :

This writ petition is filed to direct the respondents not to erect high voltage electric transformer in the lands of the petitioners more particularly on the approach road of the petitioners and further seek to declare the action on the part of the respondents as arbitrary, illegal and unjust.

The case of the petitioners is that they are the absolute owners and possessors of land in sy.nos.302/2, 302/2 and 302/3 and 303/2 to an extent of Acs:3-00. The first petitioner is owner of the land in sy.no.302/2 in an extent of Ac:0-21 cents. The second petitioner is owner and possessor of the land in sy.no.302/3 in an extent of Ac:0-41 cents. The third petitioner is the owner and possessor of land in an extent of Ac:0-32 cents. The fourth petitioner is the owner and possessor of land in an extent of Ac:0-36 cents. The fifth petitioner is the owner and possessor of land in sy.nos.302/2 & 3 and 303/2 to an extent of Ac:0-72 ½ cents. The sixth petitioner is the owner and possessor of land in sy.nos. 302/2 and 3 and 303/2 in an extent of Ac:0-72 ½ cents. The Mandal Revenue Officer has also issued pattedar passbook in the name of the petitioners and since then they have been cultivating the said lands.

The petitioners are small and marginal farmers.

The petitioner submit that there is an R & B road abutting the fields/lands of the petitioners. In between the R & B road and the lands of the petitioners a canal is flowing through for irrigation purpose. The petitioners in order to approach their lands they have created a small path just by the side of their land to the main road from out of their own land.

While things stood thus, the Gram Panchayat in order to have a high voltage transformer for regular supply of power for farmers, with an ulterior motive, have proposed the path beside the lands of the petitioners for erecting the transformer. If the transformer is erected in the middle of the path by the side of the lands of the petitioners, it will endanger their lives, their workers working in the fields and also the cattle. Due to the said action, the petitioners will be not in a position to enter the fields and it is not out of place to mention here that there is no other approach road for the petitioners other than the said path to enter their fields. Originally, the respondents initially proposed another Government site for erecting the transformer, which will not create any problem either to the farmers or to the general public. But as of now, the reason for shifting the proposal are best known to them. Further, the petitioners have constructed small huts for cattle and workers by the side of small path.

Assailing the said action of the respondents, the petitioners have filed a representation to the respondents on 15-6-2005 bringing to their notice that the proposed site for erecting a transformer belongs to them and it is a way to enter their

land and there is no other way for them to enter their fields and they have also brought to the notice of the authorities with regard to their earlier decision to erect the transformer at some other Government site, which causes no harm to any person. But the said representation did not evoke any response as on date. The petitioners apprehend that in case the said proposal is implemented they will be put to irreparable loss and great hardship.

Heard the learned counsel for the petitioners as well as the learned Govt.Pleader for Revenue and also Mr.S.Sree Ramulu Reddy, standing counsel for the third respondent.

After hearing both sides, it appears that the petitioners who are the owners of the aforesaid extents of land are apprehending that installation of high voltage electric transformer in their lands may cause irreparable loss and hardship. Anyhow, without expressing any opinion, it is for the concerned authorities to examine the place of installation of high voltage electric transformer with the assistance of expertise personnel. If any part of the land of the petitioners is effected by virtue of installation of high voltage electric transfer, the petitioners are entitled to receive compensation thereof. I see no reason to entertain the present writ petition. However, the respondents are directed to consider and dispose of the representation submitted by the petitioners on 15-6-2005 within a period of four weeks from the date of receipt of a copy of the order and pass appropriate orders on merits and in accordance with law after affording reasonable opportunity to the petitioners.

With the above direction, the writ petition is dismissed. No costs.

JULY 07th, 2005. ----------

I S L. ELIPE DHARMA RAO, J.

To

1 The Mandal Revenue Officer, Ganapavaram Mandal, West Godavari

District.
2 The Secretary, Grampanchayat, Pippara Village,

Ganapavaram Mandal,West Godavari District.
3 The Additional Divisional Engineer, A.P.Transco, Ganapavaram

Mandal, West Godavari District.

4 Two C.Cs. to G.P. for Revenue, High Court Buildings,

High Court of A.P., Hyderabad (OUT)

5 1 CC to MR.KRISHNA MOHAN

6 Two CD Copies.